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**From:** Maier, Brent  
**Sent:** Fri 2/12/2016 5:12:32 PM  
**Subject:** RE: 2/11/16 Call w/ EPA

Johanna –

Thanks for your message and I have shared with my colleagues who joined me on yesterday's call for their review and to see if they have anything from your notes that they wish to clarify. I will follow up with you once I hear back from my colleagues.  
Thanks.

Brent Maier

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**From:** Montiel, Johanna [mailto:Johanna.Montiel@mail.house.gov]  
**Sent:** Thursday, February 11, 2016 5:11 PM  
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**Subject:** 2/11/16 Call w/ EPA

Hi Brent,

Again, thank you for putting together today's call and taking the time to clarify a lot of the questions

we had. I am sending this e-mail to summarize what was discussed, and please let me know if I misunderstood anything.

- [REDACTED] EPA has been playing an advisory role to DTSC when they request technical assistance in understanding best practices.
- [REDACTED] However, there is a non-prosecution agreement between DOJ, U.S. EPA, DTSC, and Exide, where U.S. EPA has no regulatory role and that role has been delegated to the state of California.
- [REDACTED] EPA's policy/standards that would trigger a clean-up in a residential yard is if the testing is above 400 ppm and in industrial areas would be if it is above 1,200 ppm.
- [REDACTED] But, the state of California's standard to trigger a clean-up at a residential yard is at above 80 ppm.
- [REDACTED] Right now there is no specific pace at which Region IX EPA is recommending DTSC can take.
- [REDACTED] On steps EPA discussed to deny a RCRA permit to DTSC (state of CA?) were unclear because EPA felt the authority to do that were unclear under federal and state laws.
- [REDACTED] Apart from the soil risk-management standard at 400 ppm, there is no standard in soil that EPA has that would trigger an emergency evacuation
  - However, there have been instances where EPA has had people relocate based on a combination of many things such as the level of lead contamination in the home and if there is clear evidence that an individual has lead poisoning.

A question I have, and maybe someone who better understands the agreement might be able to answer. In a case like this, if the state fails to effectively enforce the agreement, would there be any EPA involvement? Would they have a role?

I hope to hear from you soon.

Best,

Johanna

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